

### **REMARKS**

This paper is being provided in response to the Office Action dated March 19, 2009, for the above-referenced application. In this response, Applicants have cancelled claims 1, 7, and 8 and amended claims 2-6, 9, 11, 13, 15, 19, and 23 to clarify that which Applicants consider to be the presently-claimed invention. Applicants respectfully submit that the amendments to the claims are fully supported by the originally-filed specification.

The objection to the specification has been addressed by amendments to the claims provided herein in which the language mentioned in the Office Action in connection with this objection has been removed from the claims. Accordingly, Applicants respectfully request that this objection be reconsidered and withdrawn.

The objection to claim 23 has been addressed by amendments to the claims provided herein in accordance with the guidelines set forth in the Office Action. Accordingly, Applicants respectfully request that this objection be reconsidered and withdrawn.

The objection to claim 1 has been addressed by cancelling that claim herein in accordance with the guidelines set forth in the Office Action. Accordingly, Applicants respectfully request that this objection be reconsidered and withdrawn.

The rejection of claims 15-22 under 35 U.S.C. 101 as being directed to non-statutory subject matter is hereby traversed and reconsideration thereof is respectfully requested. Applicants note that page 4 of the Office Action provides, in connection with this rejection, that

"To qualify as a statutory process, the claims should positively recite the other statutory class e.g., the thing or product) to which it is tied...". Without conceding this is the correct test for statutory subject matter, Applicants note that the current independent claims 15 and 19 recite "a server", "a requesting device", etc. which are statutory things. Accordingly, based on the test set forth in the Office Action, these claims are statutory.

Furthermore, Applicants note that M.P.E.P. 2106 IV (C) (2) provides, in part, the following:

For purposes of an eligibility analysis, a physical transformation "is not an invariable requirement, but merely one example of how a mathematical algorithm [or law of nature] may bring about a useful application." *AT&T*, 172 F.3d at 1358-59, 50 USPQ2d at 1452. If USPTO personnel determine that the claim does not entail the transformation of an article, then USPTO personnel shall review the claim to determine it produces a useful, tangible, and concrete result. In making this determination, the focus is not on whether the steps taken to achieve a particular result are useful, tangible, and concrete, but rather on whether the final result achieved by the claimed invention is "useful, tangible, and concrete."

This section of the M.P.E.P. also provides guidance on what is useful, tangible, and concrete and notes that: "The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing.". Applicants respectfully submit that search results provided by the present claimed invention are useful, tangible, and concrete in accordance with the guidelines set forth in the M.P.E.P.

The rejection of claims 1-26 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,310,514 to Shinohara (hereinafter "Shinohara") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Independent claim 1 has been cancelled herein along with and claims 7 and 8, which depend from independent claim 1.

Independent claim 4, as amended herein, recites a search device providing a search results to a requesting terminal unit, the search results including at least one address corresponding to content provided by a content providing server capable of providing content, the data provided by the content providing server corresponding to information showing a capacity of the requesting terminal unit included in an information request command along with a key word from the requesting terminal unit. The search device includes a search server that provides a crawling means for searching predetermined addresses corresponding to the content by using the information showing the capacity of the requesting terminal unit according to a typical model of the requesting terminal unit in a model group, the model group being set according to the capacity, a search index holding the predetermined addresses corresponding to the content obtained by the crawling means in correspondence to an identifier that identifies the requesting terminal unit in the model group at a time of crawling, a searching means for gobbling down the predetermined addresses in the search index which correspond to content corresponding to the key word and the identifier included in the information request command from the requesting terminal unit, and a search result generating means for generating a search result including the predetermined addresses gobbled down by the searching means. Claims 2, 3, 9 and 10 depend, directly or indirectly, from independent claim 4.

Independent claim 5, as amended herein, recites an information providing system, that includes a content providing server capable of providing content, the content provided by the content providing server including data corresponding to information showing a capacity of a terminal unit included in an information request command and a search device, coupled to the content providing server, that provides a crawling means for searching at least one address of the content by using the information showing the capacity of the terminal unit according to a typical model of the terminal unit in a model group, the model group being set according to the capacity a search index holding the at least one address of the content obtained by the crawling means which correspond to content corresponding to an identifier that identifies the terminal unit in the model group at a time of crawling, and a searching means for gobbling down the at least one address of the content in the search index in correspondence to the identifier included in the information request command from the terminal unit.

Independent claim 6, as amended herein, recites an information searching system, that includes a content providing server capable of providing content, the content provided by the content providing server including data corresponding to information showing a capacity of a terminal unit included in an information request command and a key word; and a search device, coupled to the content providing server, that provides a crawling means for searching at least one predetermined address corresponding to the content by using the information showing the capacity of a typical model of the terminal unit in a model group, the model group being set according to the capacity, a search index holding the at least one predetermined address of the content obtained by the crawling means in correspondence to a an identifier that identifies the terminal unit in the model group at a time of crawling, a searching means for gobbling down the

at least one predetermined address in the search index which correspond to content corresponding to the key word and the identifier included in the information request command from the terminal unit, and a search result generating means for generating a search result including the predetermined addresses gobbled down by the searching means. Claims 13 and 14 depend from independent claim 6.

Independent claim 15, as amended herein, recites a method for providing a search service. The method includes providing a server that includes data, receiving, at the server, a request generated for a requesting device corresponding to the data in the server, wherein the request includes capacity information of the requesting device and requested content, searching the data in the server to provide search results according to the capacity information of the requesting device and according to the requested content, and sending the search results to the requesting device in response to the request, wherein the search results correspond to the capacity information of the requesting device and the requested content. Claims 16, 17 and 18 depend from independent claim 15.

Independent claim 19, as amended herein, recites a method for requesting data from a server. The method includes sending a request generated for a requesting device to the server, where the request corresponds to data in the server, and where the request includes capacity information of the requesting device and requested content and receiving, at the requesting device, search results from the server, wherein the search results correspond to the capacity information of the requesting device and to the requested content. Claims 20, 21 and 22 depend from independent claim 19.

Independent claim 23, as amended herein, recites an information providing server group that includes at least one information providing server that includes a storage portion that stores information corresponding to a request generated for a requesting device, the request including capacity information of the requesting device and requested content and a content server, coupled to the storage portion, that provides search results to the requesting device in response to the request, where the search results vary according to the capacity information of the requesting device and according to the requested content. Claims 24, 25 and 26 depend from independent claim 23.

Shinohara discloses a system in which a mobile telephone that originates transmission can detect the media types and formats of a multimedia message that can be received by destination mobile telephones. Information regarding data formats that can be received by each mobile telephone is stored in an MMS user database server. The MMS user database server receives from the transmission-origin mobile telephone destination information and format information for each media type of the multimedia message that is to be transmitted and determines whether the multimedia message can be received at the transmission-destination mobile telephones based on this destination information and format information. The MMS user database server then notifies the transmission-origin mobile telephone the results of the determination, whereupon the transmission-origin mobile telephone determines whether to transmit the multimedia message without alteration or to modify the format of the multimedia message.

The present claimed invention is directed to content search. Use cases might include searching a database for a ringtone or, maybe, running a Google search to find some requested content to render on a receiving device (cell phone). The invention addresses the problem that all content available through a general search may not be suitable for rendering on a particular device due to device capabilities (e.g. screen size, audio capabilities etc). The invention solves this problem by limiting the search results based on device capabilities.

In contrast, Shinohara does not search for content. The Shinohara system is directed to avoiding inappropriate content being delivered from one device to another (e.g., from user A's cell phone to user B's cell phone) but Shinohara does not search for that content. Instead, the MMS user database server of Shinohara receives one or more particular items of content in a particular form (from a transmitting party) and identifies devices (from a list provided by the transmitting party) which cannot render the content in its current form. Shinohara then either transforms the content into an appropriate form for those devices or returns the information to the transmitting party so that the transmitting party can transform the data himself or cancel the transmit request.

The Office Action indicates that the crawling means, search index and searching means are present in Shinohara. These features search for and store content which is suitable to be rendered on a specific device. In contrast, the Shinohara system checks the configuration/capabilities of the devices to which content which it has been delivered might be sent. It is not looking for content which is suitable to render on a device. Shinohara does not search content, but, instead, only searches databases that provide device configuration data in

order to determine whether particular content (sent from user A to user B) can be received and rendered by the device of user B based on the capabilities of the device of user B.

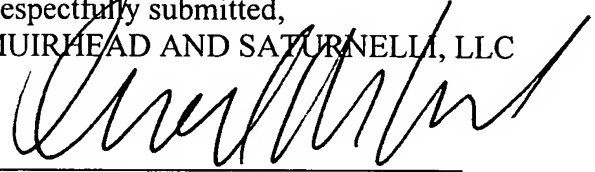
Furthermore, Shinohara does not show, teach, or suggest searching for content. Modifying Shinohara to include a generic content search component would still not provide the present claimed invention. Note that a generic content search component would return *all* content that meets the requested content search criteria (e.g., contains a particular key word) whether or not the content can be rendered on the receiving device. The device of Shinohara might then be used to filter the results based on the capabilities of the receiving device. However, Shinohara would provide that the results are transformed by the requesting party or a message is provided to the requesting party. In the case of a requesting device, that would mean that a device could receive a number of messages instead of results. For example, a cell phone user could search for ring tones meeting a particular criteria (e.g., Michael Jackson songs). In the case of Shinohara (combined with a generic search component), the user would receive messages for resulting ring tones that cannot be rendered on the user's cell phone. For example, the user could receive two ring tones and two hundred messages. On the other hand, with the present claimed invention, the user would receive results that include only ring tones capable of being played on the user's cell phone. Thus, unlike Shinohara, using the present invention results in the user only receiving appropriate content, thus lowering the processing overhead on the server and not informing the user of content that it cannot render.

Accordingly, for reasons set forth above, Applicants respectfully request that this rejection be withdrawn.



Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,  
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